MULTIMEDIA UNIVERSITY STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY
FINAL EXAMINATION

TRIMESTER 3, 2018/2019

ULB 2612 – LABOUR LAW

(All Sections/Groups)

28 MAY 2019
Reading Time : 9:00a.m. – 9:15a.m.
(15 Minutes)
Answering Time : 9:15a.m. – 12.15p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 Pages and 5 Questions only.

3. Section A is Compulsory and carries 75 marks. In Section B attempt either Question 4(a) or 4(b). The distribution of the marks for each question is given.

4. Students are allowed to bring into exam hall a CLEAN and ORIGINAL copy of:
   i. Employment Act 1955
   ii. Industrial Relations Act 1967
   iii. Trade Union Act 1959
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A – ANSWER ALL QUESTIONS

QUESTION 1

"Children are more vulnerable to risk than adults. Urgent action is needed to ensure no child under the age of 18 is in a hazardous child labour situation," says International Labour Organization Director-General Guy Ryder on the occasion of World Day against Child Labour.

Based on the statement above, evaluate the role of the International Labour Organization in labour law and its policies as well as programmes to help eliminate child labour.

(Total: 25 marks)

QUESTION 2

Both the Employees' Provident Act 1991 and the Employees' Social Security Act 1969 were introduced to protect the employees' welfare.

Discuss the objectives of both statutes and the benefits it could offer to employees in Malaysia.

(Total: 25 marks)

QUESTION 3

Trade Unions are instrumental in ensuring that the party they represent are well protected in the collective bargaining process.

Explain the four requirements to recognize a trade union. Subsequently, discuss the process of claiming recognition by a trade union from an employer and employer's union.

(Total: 25 marks)

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SECTION B – ANSWER EITHER QUESTION 4(A) OR QUESTION 4 (B)

QUESTION 4 (A)

Jolie was working for Pitt & Co Production as an actress. She was assessed for her work performance annually through a Key Performance Index (KPI) evaluation. In the latest 2018 evaluation, she was adjudged to perform below expectations. The reason offered to her was that her output was low as she only managed to act in 2 movies throughout the whole year. Jolie was very upset about this as she felt she was adjudged unfairly. She storms into Brad Pitt's office, the Chief Executive Officer, and seeks an explanation. Brad proceeds to explain his point of view in issuing out a poor assessment onto her, but she feels that Brad has been unfair in the assessment and feels that she was victimised as she was only offered to do three movies throughout the whole year. Of the three movies, she acted in two of them and she refused to act in the third one because she was required to do two scenes that were quite obscene. Jolie became very emotional and punched and kicked his office door. Jolie told Brad that she will get someone to 'sort him out soon'. The following day, Jolie receives a letter from the company stating that her services are terminated.

Advise Jolie.

(Total: 25 marks)

QUESTION 4 (B)

John is currently working as a supervisor with the company, earning RM3,000 per month. Jane, the Human Resource Manager of Syarikat Maju Jaya Sdn Bhd received a report of John's misconduct from John's Manager. John was involved in an altercation with Johan, his manager. Johan had told John that he will have to do night shifts from next month onwards as the company had recently started operating around the clock to increase production levels. John was unwilling to do so because he had been working from 9 am to 6 pm, 5 days a week for the last 2 years. Johan explained to John that the company needs John to also do the night shift as the current supervisor on night shift, Karthigesu was very inexperienced so John is needed to come in on the night shifts. John was very displeased and shouted some abusive words towards Johan, hence Johan prepared a report on John's behaviour and gave it to Jane.

Jane would like to know the following:

(i) Whether a domestic inquiry should be conducted in John's case and in the absence of doing so, what would be the ramifications towards the employer, if any ?

(10 marks)

Continued...

(ii) Discuss the remedies that are available to John if he is dismissed for misconduct.
(15 marks)

(Total: 25 marks)

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